

WASHINGTON, D. C. 20505

Office of Legislative Counsel

OLC 78-209/D

9 August 1978

Mr. John Giaquinto
Room 8988
Congressional Inquiry Unit
FBI Headquarters
Washington, D. C.

Dear John,

Enclosed are three sets of papers that comprise our basic working arrangements with the HSCA, which I mentioned this morning. They are for your reference and internal use. There have been various permutations in the actual working practices as developments have indicated practical, but these are the basic documents. I hope they contain something of usefulness to you, although much of it is not relevant to your relationship with the Committee.

I appreciate your hospitality this morning, and the opportunity to get a feel how things seem from your vantage point. I will try to keep in touch as things develop over the weeks ahead.

Sincerely,

[Redacted Signature]

S. D. Breckinridge
Principal Coordinator HSCA

Enclosures

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STAT

MEMORANDUM OF UNDERSTANDING
BETWEEN THE DIRECTOR OF CENTRAL INTELLIGENCE
AND THE SELECT COMMITTEE ON ASSASSINATIONS

I. Preparation of Materials

A. The Central Intelligence Agency (CIA) will cooperate fully in the investigations conducted by the Select Committee on Assassinations (Committee) by providing access, as requested, to classified information within the releasing authority of the CIA, and held by the CIA, that bears upon the study and investigation authorized by H. Res. 222. CIA will notify the Committee of any requested information held by CIA not within the releasing authority of the CIA, and notify the Committee of the proper authority to contact to obtain the information. No document or a portion of the document in the possession of CIA will be withheld without written notice of that action to the Committee. Access to all classified information designated for protection from unauthorized disclosure by the Director of Central Intelligence (DCI) and currently held by any federal agency or department shall be governed by this memorandum.

B. Documentary material will be made available as expeditiously and completely as feasible, subject to the responsibility of the DCI to protect sensitive intelligence sources and methods. The Committee and CIA will periodically agree upon a list of identities that will not be excised from materials turned over to the Committee. Subject to the list of identities that will not be deleted, CIA will appropriately sanitize, including excising if necessary, information to assure protection of information identifying sensitive sources and methods. When an excision is made, CIA will indicate the nature of the source or method excised, including the functional intelligence discipline which was the source of the intelligence.

C. The Chief Counsel of the Select Committee on Assassinations and a designated representative of the DCI shall meet monthly to discuss a random sample of the complete and unsanitized materials selected by the Chief Counsel for the purpose of verifying the appropriateness of the sanitizing done by the CIA. Those matters on which they do not agree shall be referred to the Chairman, Ranking Minority Member, and the DCI for resolution.

D. In making any excisions or other alterations of requested materials, the CIA is bound by 18 U.S.C. Subsection 1505 and all other applicable statutes.

II. Request Procedure

A. The CIA element responsible for dealing with the Committee is the Coordination and Review Staff of the Office of Legislative Counsel (C&RS/OLC). All Committee requests for information will be conveyed to CIA only via the Coordination and Review Staff. Absent extraordinary circumstances, appointments with CIA employees and former employees will be arranged through the Coordination and Review Staff.

B. All Committee requests for information will be in writing. In the interest of timely response, C&RS/OLC will accept preliminary telephone or other oral requests, but no information can be made available until a request is received in writing from the Chief Counsel or one of the Deputy Chief Counsels.

III. Staff Clearance

Prior to access by Committee personnel to any material which has been designated for protection from unauthorized disclosure by the DCI, such Committee personnel will be granted security clearance by the Committee after consultation with the CIA. Committee personnel requiring access to such material will be required to execute, in advance, the attached Select Committee on Assassinations Nondisclosure Agreement.

IV. Transcripts of Statements Under Oath

A steno-typist from either the Committee or the CIA will make a verbatim record of all statements of current CIA personnel taken under oath. One copy of the record will be made available to the Committee and the other to the CIA in accordance with the Rules of the Committee.

V. Examination of Material

Materials to which access has been granted by CIA will be reviewed in a CIA reading room set aside for this purpose or in a designated area within the Committee's offices.

VI. Storage of Materials

A. Committee procedures for control and storage of any documents or materials provided by the CIA which require protection will follow security standards and procedures established in consultation with, and approved by, the CIA.

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B. Upon the termination of the Committee, all materials provided to the Committee will be kept and preserved within a segregated and secure area within CIA for at least 30 years unless the DCI and the House of Representatives agree to a shorter period of time. All persons having access to such materials must sign an access sheet indicating the date, the name of the person receiving access, the specific documents or materials to which access was granted, and the person who authorized the access.

VII. Disclosure of Information

A. The Committee will notify the DCI in writing of its desire to disclose, in any manner, including under the Select Committee on Assassinations Nondisclosure Agreement, any information that is designated for protection from unauthorized disclosure by the DCI. If within five days the Committee does not receive a letter from the DCI objecting to the proposed disclosure and stating the reasons for the objection, the Committee may disclose the information.

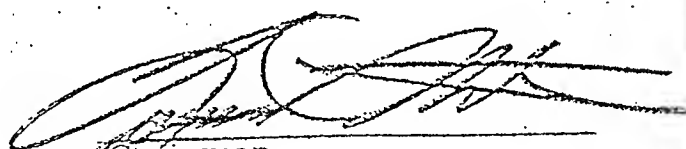
B. If the DCI notifies the Committee within five days that he objects to the proposed disclosure and states the reasons for his objections, the Chairman of the Committee and the DCI, or their designated representatives, shall meet to attempt to resolve any differences over the information to be disclosed. If the Chairman of the Committee considers that the negotiations have reached an impasse, he will give the DCI a written notice to that effect, and the Committee will take no steps until at least 14 days thereafter to disclose the information in dispute.

C. Any differences left unresolved by negotiation may become the subject of litigation. In any such action each party will be free to assert all its constitutional, statutory, or other legal rights, and the parties agree to be bound by the final outcome of any such action. If such an action is commenced by the Executive Branch but is disposed of without a judicial decision on the merits of the disclosure issue, the Committee agrees that it will not on that basis, or on the basis of its 14-day notice letter, disclose the information in dispute. This Agreement, however, is without prejudice to any of the Committee's other rights, privileges and responsibilities concerning the production by legal compulsion and disclosure of information, and the DCI's rights, privileges and responsibilities concerning the protection from disclosure of the information.


Director of Central Intelligence

19 AUG 1977

Date


Chairman

August 29, 1977

Date